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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 4-13-71470 MAG
)	
Plaintiff,)	STIPULATION AND PROPOSED ORDER
)	CONTINUING APPEARANCE
v.)	
)	
RUBEN CHAVEZ,)	
)	
Defendant.)	
)	

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment or preliminary hearing date of July 7, 2014 at 9:30 a.m. before the duty Magistrate Judge and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. 3161(b), from June 17, 2014 to July 7, 2014, and thereby vacating the June 17, 2014 preliminary hearing date. The parties previously met in person on May 16, 2014 and discussed the case. Further, the government provided defense counsel with a pre-indictment plea offer which defense counsel needs time to research and discuss with his client. The parties are actively trying to resolve the case pre-indictment. Therefore, the parties agree, and the Court finds and holds, as follows:

1. The defendant is currently in custody.

2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
3. The defendant waives the time limits of Federal Rule of Criminal 5.1 for preliminary hearing.
4. Counsel for the defense believes that postponing the preliminary hearing is in his client's best interest, and that it is not in his client's interest for the United States to indict the case during the normal 14 day timeline established in Rule 5.1.
5. The Court finds that, taking into the account the public interest in the prompt disposition of criminal cases, these grounds are good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances, the Court finds that the ends of justice served by excluding the period from June 17, 2014 to July 7, 2014, outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. 3161(h)(8)(A).
6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary hearing date before the duty Magistrate Judge on July 7, 2014 at 9:30 a.m., and (2) orders that the period from June 17, 2014 to July 7, 2014, be excluded from the time period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial calculations under 18 U.S.C. 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED:

DATED: June 10, 2014

/S/
HARRIS TABACK
Attorney for Defendant

DATED: June 10, 2014

/S/
NATALIE LEE
Assistant United States Attorney

IT IS SO ORDERED.

DATED: 6/11/14


HONORABLE KANDIS A. WESTMORE
United States Magistrate Judge